

Cause No. 310CV0300P

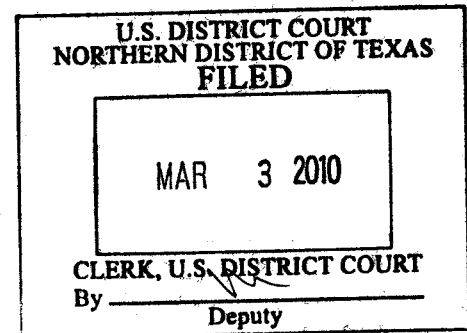
{ }  
{ }  
{ }In the Other Court  
NORTH DIST County

Plaintiff:

DICKES BARBECUE RESTAURANTS  
INC

Defendant:

LIRA LLC AND LUIGI MANGIONE



## Officer's Return

Came to hand February 22, 2010 at 1:55 P.M. and executed in Travis County, Texas, on February 23, 2010 at 11:20 A.M. by delivering to MR. LUIGI MANGIONE by delivering to Hope Andrade, Secretary of State of the State of Texas, at 1019 Brazos Street, Austin, Texas, 78701, by delivering to GAYLE MARIE LINEMAN, designated agent for service for the Secretary of State, duplicate true copies of the SUMMONS together with accompanying duplicate true copies of the PLAINTIFF'S ORIGINAL COMPLAINT AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION AND RECOVERY OF DAMAGES; APPENDIX TO PLAINTIFF'S ORIGINAL COMPLAINT AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION AND RECOVERY OF DAMAGES; BRIEF IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION; PLAINTIFF'S MOTION FOR LEAVE TO FILE AFFIDAVIT OF MICHELLE FRAZIER UNDER SEAL PURSUANT TO LOCAL RULE 79.3, AND BRIEF; APPENDIX TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AFFIDAVIT OF MICHELLE FRAZIER UNDER SEAL PURSUANT TO LOCAL RULE 79.3, AND BRIEF; CERTIFICATE OF INTERESTED PERSONS; CERTIFICATE OF ATTORNEY UNDER FRCP 65 (B) (1) (B) AND LOCAL RULE 7.1. PROPOSED TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE; PROPOSED ORDER.

FEE: \$ 70 Paid

Bruce Elfant,  
Travis County Constable Precinct 5  
Travis County, Texas

by:   
Lydia M. Barron, Deputy

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

SOS

Dickey's Barbecue Restaurants, Inc.

Plaintiff

v.

Lira, LLC and Luigi Mangione

Defendant

Civil Action No.

3-10CV0300-P

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Mr. Luigi Mangione  
2441 N. Snow Goose Way  
Meridian, Idaho 83646

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mr. Stephen A. Coke  
Wesner, Coke & Clymer, P.C.  
Three Galleria Tower, Suite 800  
13155 Noel Road  
Dallas, Texas 75240

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 16 2010

Date:

CLERK OF COURT

*[Signature]*

Signature of Clerk or Deputy Clerk

RECEIVED

2010 FEB 22 PM 1:55

CONSTABLE PRECINCT 5  
TRAVIS COUNTY, TEXAS

\$pd 70.00

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) \_\_\_\_\_  
was received by me on (date) \_\_\_\_\_.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

Bruce Elfant  
Constable Pct. 5, Travis County, Texas



\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc:

WESNER COKE & CLYMER, P. C.

ATTORNEYS AND COUNSELORS

THREE GALLERIA TOWER - SUITE 800

13155 NOEL ROAD

DALLAS, TEXAS 75240



Clerk, United States District Court  
1100 Commerce Street, Room 1452  
Dallas, TX 75242

7524281310 C001

